

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SARAH MOLINA, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No.: 4:17-cv-2498 AGF
v.	)	
	)	
CITY OF ST. LOUIS, MISSOURI, et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION TO AMEND CASE MANAGEMENT ORDER AND ADR REFERRAL ORDER**

Come now the parties and respectfully and jointly move to amend the Case Management Order (ECF No. 29) and Order Referring Case to Alternative Dispute Resolution (ECF No. 52). The parties request that the discovery deadline be moved from *October 12, 2018*, to *December 28, 2018*; that the *Daubert* deadline be moved from *November 5, 2018*, to *December 28, 2018*; that the dispositive motion deadline be moved from *November 5, 2018*, to *January 11, 2019*; that the start date of the ADR referral period be moved from *July 2, 2018* to *October 1, 2018*; and that each of the expert disclosure and deposition deadlines be extended by 77 days respectively (the same length of time the parties request the other CMO deadlines be extended).<sup>1</sup>

In support of this request, the parties state:

1. When this action was filed and when the Rule 16 conference was held, the identities of the individual defendants were unknown and they were sued as Officer John Does.
2. The Rule 16 Conference was held on March 20, 2018, and a Case Management Order issued that same date. (ECF No. 29.) The case has been assigned to Track 2.

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<sup>1</sup> That would make the Plaintiffs' expert deadlines *August 17, 2018* and *September 17, 2018*; Defendants' expert deadlines *October 17, 2018* and *November 20, 2018*, and rebuttal expert deadlines *December 7, 2018*, *December 14, 2018*, and *December 28, 2018*.

3. That same day, counsel for Defendant City of St. Louis provided information that allowed Plaintiffs to begin determining the identities of the Doe defendants.

4. The parties then named, Plaintiffs and Defendant City of St. Louis, exchanged initial disclosures on April 19, 2018, in accordance with the Case Management Order.

5. On April 24, 2018, the Court granted motions to dismiss filed by Defendant City of St. Louis and then-Defendant St. Clair County with leave for Plaintiffs to move to amend no later than the amendment deadline set forth by the CMO. (ECF No. 33.)

6. The Case Management Order set a deadline of May 4, 2018, for amendments to the pleadings. That is when Plaintiffs moved for leave to file their proposed First Amended Complaint, which included the names of the nine Doe defendants. (ECF Nos. 34 and 34-1.)

7. On May 9, 2018, the Court granted leave to file. (ECF No. 35.)

8. On May 10, 2018, Plaintiffs filed their First Amended Complaint and requested summonses for the nine individual defendants now named. (ECF Nos. 36, 37.)

9. On Friday, May 11, 2018, Plaintiffs filed notice of their intent to use a process server and the summons were issued. (ECF No. 38.)

10. Plaintiffs' counsel provided the summons to the process server on or around Monday, May 14, 2018, and the process server began making attempts to serve process on the nine individual defendants no later than Friday, May 18, 2018.

11. Most of those defendants have asserted their right to be served process personally.

12. Service has been successfully effectuated on seven of the nine defendants:

- a. Officer Michael Mayo: May 31, 2018
- b. Officer William Wethington: June 7, 2018
- c. Lieutenant Stephen Dodge: June 8, 2018

- d. Officer Daniel Book: June 11, 2018
- e. Officer Joseph Busso: June 26, 2018
- f. Officer Lance Coats: June 26, 2018
- g. Officer Mark Seper: July 1, 2018

(See ECF Nos., 46, 50, 51, 55, 56.)

13. Plaintiffs' process server has made repeated attempts to serve the two remaining defendants, Officers Jason Chambers and Joseph Mader, but those attempts have not yet been successful. Plaintiffs' counsel has contacted the process server every few days to check on the progress of those efforts.

14. In light of the length of time service of process has taken and the parties' desire not to conduct significant discovery until all interested persons can participate fully in that process, the parties request that the discovery and dispositive motion/*Daubert* deadlines be postponed from October 12 and November 5, respectively, to December 28, 2018, and January 11, 2019, respectively, and that the ADR referral be continued approximately 90 days from a start date of July 2 to a start date of October 1, so that all of the individual defendants may participate. The parties request that the expert-witness deadlines be postponed by the same period of time (77 days) as the global discovery deadline.

15. The parties' hope is that their proposed modifications will not necessitate moving the trial date, which is set for March 11, 2019, on a three-week docket. However, the parties express willingness to modify the trial date if the Court grants their motion for leave to amend and finds that moving the trial date is necessary.

16. This request is not made for the purpose of delay and will not prejudice any party. **Wherefore**, Plaintiffs and Defendants respectfully request that the Court modify its Case

Management Order as described herein and grant such other and further relief as is proper under the circumstances.

Respectfully submitted,

/s/ Jessie Steffan

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was filed electronically and served by operation of the CM/ECF system on all counsel of record on July 23, 2018.

/s/ Jessie Steffan